

10236      *Patterns for Documents Related to 8(b)(7) Cases:* Set forth below are suggested patterns for the preparation of certain documents related to 8(b)(7) cases. Of course, the patterns should be carefully reviewed and modified as appropriate to fit the circumstances of individual cases.

10236.1      ***Pattern 70, Notice of Expedited Representation Hearing, 8(b)(7)(C):*** For discussion about expedited representation hearings, see sec. 10232.2(b).

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**[Name of Party]**

**and**

**Case [number]**

**[Name of Party]**

**NOTICE OF EXPEDITED REPRESENTATION HEARING**

The Petitioner filed a petition pursuant to Section 9(c) of the National Labor Relations Act, and [Charging Party name] filed a related charge under Section 8(b)(7)(C) of the Act. I have concluded that there is a question affecting commerce as to whether the employees in the unit described in the petition want to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

Accordingly, YOU ARE NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, on the [date], 20\_\_, at \_\_\_\_\_, a hearing will be conducted before a Hearing Officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise and give testimony. Because a related charge under Section 8(b)(7)(C) was filed, the hearing will be conducted in accordance with the expedited procedures of Section 102.77(b) of the Board's Rules and Regulations.

\_\_\_\_\_  
Regional Director  
National Labor Relations Board  
(Address)  
Date

10236.2 ***Pattern 71, Order Consolidating Cases and Notice of Expedited Representation Hearing:*** For discussion about expedited representation hearings, see sec. 10232.2(b).

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**[Name of Party]**

**and**

**Case [number]**

**[Name of Party]**

**[Name of Party]**

**and**

**Case [number]**

**[Name of Party]**

**ORDER CONSOLIDATING REPRESENTATION CASES  
AND  
NOTICE OF EXPEDITED REPRESENTATION HEARING**

The Petitioners filed petitions pursuant to Section 9(c) of the National Labor Relations Act, and a related charge was filed under Section 8(b)(7)(C) of the Act.

I have concluded that there is a question affecting commerce as to whether the employees in the units described in the petitions want to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act. In order to effectuate the purposes of the Act, and to avoid unnecessary costs or delay, I HEREBY consolidate the petitions for hearing.

Accordingly, YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, on the [date], 20\_\_, at \_\_\_\_ in the \_\_\_\_\_, a hearing will be conducted before a Hearing Officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise and give testimony. Because a related charge under Section 8(b)(7)(C) was filed, the hearing will be conducted in accordance with the expedited procedures of Section 102.77(b) of the Board's Rules and Regulations.

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Regional Director  
National Labor Relations Board

**Attachment #6**

(Address)  
Date

10236.3                      ***Pattern 72, Regional Director's Direction of Expedited Election:***  
For discussion about expedited election, see also sec. 10232.2(a).

Petitioner  
Employer  
Unions

Re: [Name of Employer]  
Case [number]

Appropriate Salutation:

On the basis of the Region's investigation of the petition in Case \_\_-R\_\_-\_\_\_\_ and related Case \_\_-CP-\_\_\_\_, I have decided to conduct an expedited election by secret ballot pursuant to Sections 8(b)(7)(C) and 9(c) of the Act and Section 102.77 of the Board's Rules and Regulations. This election will determine whether the employees in the unit covered by the petition want to be represented for purposes of collective bargaining by [name of union] [or] [name of other interested unions] pursuant to Section 9(c) of the National Labor Relations Act, or by no union.

Accordingly, a secret ballot election will be conducted as described in the enclosed Notice of Election among the employees in the following appropriate unit:

[Description of Unit]

Your cooperation will be appreciated.

Very truly yours,

\_\_\_\_\_  
Regional Director

Enclosure: Notice of Election

10236.4                    **Pattern 73, Dismissal of 8(b)(7)(C) Charge (When Region Has Directed Expedited Election):** For discussion of this topic, see also sec. 10232.2(c).

[Charging Party]

Re: [Case Name ]  
Case [number]

Appropriate Salutation:

The Region has carefully investigated and considered your charge against [charged party name] alleging a violation of Section 8(b)(7)(C) of the National Labor Relations Act. The investigation disclosed that a timely valid representation petition has been filed in Case \_\_\_-R\_\_\_-\_\_\_\_\_ within a reasonable time from the commencement of the picketing involved in the charge.

*Decision to Dismiss and Conduct Election:* Section 8(b)(7)(C) of the Act permits a union to picket to obtain recognition if a representation petition is filed either before, or within a reasonable period of time of, such picketing. Therefore, I am dismissing your charge. Pursuant to the expedited election procedures of 8(b)(7)(C) and 102.77 Rules and Regulations, I have separately directed an expedited election in Case \_\_\_-R\_\_\_-\_\_\_\_\_.

*Your Right To Appeal:* The National Labor Relations Board Rules and Regulations permit you to obtain a review of the dismissal of your charge by filing an appeal with the General Counsel of the National Labor Relations Board. However, filing an appeal will not stay the holding of the election. If you wish to file an appeal, your attention is directed to the following:

*Appeal Due Date:* The appeal must be received by the General Counsel in Washington, DC by the close of business at 5:00 p.m. [EST or EDT, as appropriate] on [7 days from issuance]. However, if you mail the appeal it will be considered timely if it is postmarked no later than one day before the due date. The appeal may not be filed by facsimile transmission or through the Internet.

*Extension of Time to File Appeal:* Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for extension of time may be made by mail, facsimile transmission, or through the Internet. The fax number is (202) 273-4283. Special instructions for requesting an extension of time over the Internet are set forth in the attached Access Code Certificate. Any request for an extension of time must be received no later than the appeal due date indicated above. Unless filed through the Internet, a copy of any request for extension of time should be sent to me.

*Appeal Contents:* This appeal must contain a complete statement setting forth the facts and the reasons why you believe the decision to dismiss your charge was

incorrect.

*Address for Appeal:* The appeal should be sent to the General Counsel of the National Labor Relations Board, Office of Appeals, 1099 14th Street, NW, Washington, DC 20570. You should send a copy of the appeal to me.

*Notice to Other Parties of Appeal:* You must notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is sent to the General Counsel, please complete the enclosed Notice of Appeal Form (NLRB-4767) and send one copy of the form to all parties and representatives whose names and addresses are set forth in this letter. The appeal itself should not be sent to the other party(ies). Mailing the notice form to the parties does not relieve you from filing the appeal itself with the General Counsel and sending a copy of the appeal to me by the due date.

Very truly yours,

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Regional Director

cc: Charged Party  
Other Parties  
General Counsel, Office of Appeals  
Attorney(s) or Representative(s) of record

10236.5                      **Pattern 74, Dismissal of Petition - Meritorious 8(b)(7)(A) or (B)**  
**Charge:** For discussion of this topic, see sec. 10232.1.

Petitioner  
Petitioner's representative

Re: [Name of Employer]  
Case [number]

Appropriate Salutation:

The Region has investigated the petition you filed in Case  
\_\_\_-R\_\_\_-\_\_\_\_\_ and a related charge in Case \_\_\_-CP-\_\_\_\_\_ filed under Section  
8(b)(7) of the Act.

[If the charge alleges a violation of 8(b)(7)(A), the following language is suggested]

*Decision to Issue Complaint and Dismiss Petition:* Based on that investigation, I have decided to issue an unfair labor practice complaint alleging that the picketing involved in the charge in Case \_\_\_-CP-\_\_\_\_\_ is violative of Section 8(b)(7)(A) of the Act. In this regard, the investigation disclosed that [incumbent union] is the currently certified collective-bargaining representative and is party to a collective-bargaining agreement which acts as a bar to a petition. Accordingly, no question concerning representation can be raised at this time and I am dismissing your petition.

[If the charge alleges a violation of 8(b)(7)(B), the following language is suggested]

*Decision to Issue Complaint and Dismiss Petition:* Based on that investigation, I have decided to issue an unfair labor practice complaint alleging that the picketing involved in the charge in Case \_\_\_-CP-\_\_\_\_\_ is violative of Section 8(b)(7)(B) of the Act. In this regard, the investigation disclosed that a valid election under Section 9(c) of the Act has been conducted within the preceding twelve months. Accordingly, no question concerning representation can be raised at this time and I am dismissing your petition.

*Reinstatement of the Petition:* Upon a request by the Petitioner after disposition of Case \_\_\_-CP-\_\_\_\_\_, the petition may be reinstated, if appropriate. Accordingly, a copy of the order or other document that disposes of that case will be sent to the Petitioner.

*Right to Request Review:* Pursuant to Section 102.71 of the Board's Rules and Regulations, you may appeal the decision to dismiss the petition by filing a request for review by **close of business (14 days from date of the letter)** with the Executive Secretary, National Labor Relations Board, 1099 14th Street, NW, Washington, DC 20570. This request for review must contain a complete statement setting forth the

## **Attachment #6**

facts and reasons on which it is based. Eight copies of the request for review must be filed with the Executive Secretary and a copy of the request for review must be served on each of the other parties to the case, as well as on the Regional Office.

Upon good cause shown, the Board may grant special permission for an extension of time to file the request for review. A request for extension of time should be submitted to the Executive Secretary in Washington and a copy of any such request for extension of time should be submitted to each of the other parties to this proceeding.

The request for review and any request for extension of time must include a statement that a copy has been served on the Regional Office and on each of the other parties to the case in the same or a faster manner as that utilized in filing the request with the Board.

Very truly yours,

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Regional Director

cc: National Labor Relations Board  
Washington, D.C. 20570  
Employer - Union  
Interested Labor Organization(s)  
[Petitioner in R case, if not a party in ULP case]



10236.6                      **Pattern 75, Refusal to Process Under Expedited Procedure:**  
For discussion of this topic, see sec. 10232.2(c).

[Petitioner]

Re: [Name of Employer]  
Case [number]

Appropriate Salutation:

The Region has investigated the petition you filed in Case \_\_\_-R\_\_\_-\_\_\_\_\_ and the charge in Case \_\_\_-CP-\_\_\_\_\_ alleging a violation of Section 8(b)(7)(C) of the Act.

*Decision Not to Expedite Election:* Although Section 8(b)(7)(C) provides for an expedited election in certain circumstances, I have concluded that an expedited election is not warranted because the petition was not filed within a reasonable time after the picketing began. Although I will not process the petition under expedited procedures, I will process it in the normal manner, in accordance with the provisions of Section 9(c)(1) of the Act and of Subpart C of the Board's Rules and Regulations.

*Submission of Evidence:* Pursuant to the requirements of Section 9(c)(1) of the Act and the Board's Rules and Regulations, if you have not already done so, please furnish evidence that [e.g.]

- [A substantial number of employees wish to be represented by the petitioner for the purposes of collective bargaining.]
- [A substantial number of employees do not desire to be represented for collective-bargaining purposes by the labor organization currently certified (recognized).]
- [A labor organization has presented a claim to the petitioner to be recognized as the representative of the petitioner's employees as defined in Section 9(a) of the Act.]

Unless such evidence is submitted by close of business [date], I will dismiss the petition.

Very truly yours,

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Regional Director

cc: Other parties  
The Board